

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

MAY - 4 2019

David J. Bradley, Clerk

United States of America
v.
Fidencio Guadalupe MARTINEZ-Garcia
(02/25/1982, MX National)

Case No. 14-19-1019-MDefendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 4, 2019 in the county of Starr in the
Southern District of Texas, the defendant(s) violated:

Code Section

21 USC 841
21 USC 846
21 USC 952

Offense Description

defendant did, knowingly and intentionally possess with the intent to import into the United States and distribute approximately 32.46 kilograms of cocaine, a Schedule II controlled substance, and did knowingly and intentionally conspire to possess with intent to distribute with persons known and unknown approximately 32.46 kilograms of cocaine, a Schedule II controlled substance

This criminal complaint is based on these facts:

Before the United States Magistrate Judge, Southern District of Texas, I, Special Agent Nathaniel Yates, United States Immigration and Customs Enforcement, being duly sworn, depose and say the following:

See Attachment A

☒ Continued on the attached sheet.

Approved by ASA Steven Belt 5/5/2019
N57

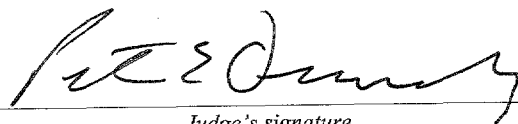


Complainant's signature

Nathaniel Yates ICE/HSI Falcon Dam Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date:

05/04/201906:00 9:00 am

Judge's signature

City and state:

McAllen, Texas

Peter J. Ormsby
Printed name and title

Attachment A

On May 4, 2019, a black Kia Sorento, being driven by Fidencio Guadalupe MARTINEZ-Garcia, arrived at the Roma Port of Entry (POE) and attempted to make entry into the United States from Mexico. A Customs and Border Protection Officer (CBPO) referred the vehicle for secondary inspection, requested a canine open air search, and requested an x-ray examination of the vehicle.

A CBPO canine handler and his canine partner conducted an open air, canine search of the vehicle driven by MARTINEZ-Garcia. The canine alerted to the presence of a narcotic odor by the vehicle's rear, driver's side quarter panel. A CBPO used an x-ray machine to scan the vehicle and, in the imagery resulting from the scan, observed several anomalies in the vehicle's rear quarter panels. CBPOs removed 30 packages, each containing a white, powdery substance suspected to be cocaine, from the vehicle. The total weight of the 30 packages was 32.46 kilograms. A field test indicated a presumptive positive result for the presence of cocaine, a Schedule II controlled substance.

U.S. Immigration and Customs Enforcement Special Agents assigned to Homeland Security Investigations, Office of the Resident Agent in Charge, Falcon Dam, Texas were contacted and responded to the Roma POE. Special Agents read the Miranda Rights advisement, in the Spanish language, to MARTINEZ-Garcia. MARTINEZ-Garcia stated he understood the advisement and agreed to speak with the Special Agents. During the interview, MARTINEZ-Garcia admitted he knew that there were narcotics contained in a compartment within his vehicle. MARTINEZ-Garcia stated that he had agreed to transport the narcotics for \$3,000.00 USD.

Special Agents contacted duty Assistant United States Attorney and presented the facts of the case. Prosecution was accepted and MARTINEZ-Garcia was placed under arrest.